



Committee on the Rights of the Child Concluding Observations on the combined fifth and sixth periodic reports of Australia

Data collection

11. (d) Ensure that data collected on children's rights covers all areas of the Convention, in particular relating to violence, alternative care, natural disasters and children in conflict with the law, and is disaggregated by age, sex, disability, geographic location, ethnic origin, national origin, and socioeconomic background, and identifies those in situations of vulnerability, such as Aboriginal and Torres Strait Islander children, children with disabilities, and asylum-seeking, refugee and migrant children;

Non-discrimination

19. (a) Address disparities in access to services by Aboriginal and Torres Strait Islander children, children with disabilities, children in alternative care, asylum-seeking, refugee and migrant children, regularly evaluate the enjoyment by those children of their rights and prevent and combat discrimination

Corporal punishment

28. (a) Explicitly prohibit corporal punishment in law in all settings, including in homes, public and private schools, detention centres and alternative care settings, and repeal the legal defence of "reasonable chastisement";

E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Family environment

32. (a) Provide the necessary human, technical and financial resources to family support services to provide children and their families, particularly Aboriginal and Torres Strait Islanders, with the support needed to prevent violence, abuse and neglect;

Children deprived of a family environment

33. The Committee notes the efforts undertaken by the State party to improve the situation regarding children in alternative care, but remains seriously concerned about:

(a) The enduring high number of children in alternative care;

(b) The continuing over-representation of Aboriginal and Torres Strait Islander children in alternative care, often outside their communities;

(c) Different criteria across jurisdictions for decisions on child removal and placement in care;

(d) Despite the 25 enquiries conducted since 2012, the child protection systems still not having sufficient human, technical and financial resources and not being able to provide adequate professional support to children, often resulting in:

i. Badly trained and poorly supported staff;

ii. Inadequate matching of children of different ages, experiences and background (in particular, child offenders and child victims of abuse are often placed together);

iii. Excessive reliance on police interference and the criminal justice system when dealing with children's behavioural problems without ensuring appropriate therapeutic services intervention;

(e) Children with disabilities being more at risk of maltreatment in institutions;

(f) The limited access of children in alternative care to mental health and therapeutic services.

34. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recalls its previous recommendations (CRC/C/AUS/CO/4, para. 52), and urges the State party to:

(a) Strongly invest in prevention measures for children and their families to avoid child removal and, when this is a necessary measure, to limit it to the shortest time possible, and ensure participation of children, their families and communities in decision-making, to guarantee an individualised and community-sensitive approach;

(b) Harmonize, make transparent and publicize the criteria for removal and placement of a child in alternative care across jurisdictions to provide the highest level of protection;

(c) Ensure the adequate human, technical and financial resources to child protection services and alternative care and proper training of those working with and for children in alternative care, in particular to enhance preventive measures in order to avoid 'care to crime drift';

(d) Strongly invest in measures developed and implemented for Aboriginal and Torres Strait Islander children and communities to prevent their placement in out-of-home care, provide the adequate support while in alternative care and facilitate their reintegration into their families and communities;

(e) Provide adequate training to child protection carers on the rights and needs of children with disabilities to prevent their maltreatment and abuse;

(f) Ensure that children in alternative care have access to the mental health and therapeutic services necessary for their healing and rehabilitation.

Mental health

37. (c) Children themselves have identified mental health as a main issue of concern, affecting in particular Aboriginal and Torres Strait Islander children, children in alternative care, homeless children, children living in rural and remote areas, asylum-seeker children, children from culturally and linguistically diverse backgrounds and LGBTI children;

Standard of living

42. The Committee urges the State party to address the high rates of homelessness among children, particularly focusing on children leaving alternative care, and to include children under 12 years in the Reconnect program.

Education, including early childhood education and care

43. (b) To invest more in improving education at the early childhood, primary and secondary levels, paying particular attention to children living in remote areas, Aboriginal and Torres Strait Islander children, children with disabilities, children in marginalized and disadvantaged situations, children in alternative care and children from refugee and migrant backgrounds;

Child victims and witnesses of crime

49. (b) Put in place child-sensitive mechanisms to facilitate and promote reporting of cases and ensure that complaint mechanisms are available and child-friendly, both online and off-line, paying particular attention to alternative care places, detention facilities, and locations for asylum-seeking, refugee and migrant children;